

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3049 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

V C PANDYA

Versus

STATE OF GUJARAT

Appearance:

MR SHALIN MEHTA for M/S NJ MEHTA ASSO. & MR JP
PARMAR for MR RJ OZA for Petitioner
MRS SIDDHI TALATI for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/09/97

ORAL JUDGEMENT

Both the counsel who are present for the petitioner state that they have no instructions in the matter. Perused the special civil application and reply to the same and heard the learned counsel for the respondents.

The petitioner, an officer of the Forest Department of the Government of Gujarat, filed this special civil application and challenge has been made to

the order dated 5-6-1982 under which the respondent No.3 was given the promotion to the post of Dy. Conservator of Forests. Further prayer has been made for giving the promotion to the petitioner to the post of Dy. Conservator of Forests from the date on which the person junior to him has been given the promotion.

From record of this special civil application and particularly the reply filed by the respondents, I find that the promotion from the cadre of Assistant Conservator of Forests, Class II is provided to the post of Dy. Conservator of Forests, Class-I on the basis of proved merit and efficiency. The petitioner has been given the conditional promotion on the post of Assistant Conservator of Forests under the order dated 28th July, 1977. His case was considered by the Selection Committee which met on 9-9-1980 for the purpose of bringing suitable officers in the unconditional list of Assistant Conservator of Forests but he was not found suitable for bringing his name in the unconditional select list. Again his case has been considered for promotion on 30th March, 1982, but he was not found suitable. It is not the case where the case of the petitioner was not considered for promotion but he was not found suitable on the basis of the criteria of proved merit and efficiency. The petitioner has only a right of consideration for promotion and not the right of promotion. In view of this fact, none of the legal and fundamental rights of the petitioner are being infringed.

The special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.